

## **Permitting & Assistance Branch Staff Report**

Modified Solid Waste Facilities Permit for

SANCO Resource Recovery

SWIS No. 37-AA-0956

February 14, 2017

### **Background Information, Analysis, and Findings**

This report was developed in response to the County of San Diego Department of Environmental Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for SANCO Resource Recovery, SWIS No. 37-AA-0956, located in San Diego County and operated by SANCO Services and owned by Federal Boulevard Properties. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on January 6, 2017. A new proposed permit was received on January 13, 2017, February 3, 2017 and February 13, 2017. Action must be taken on this permit no later than April 14, 2017. If no action is taken by April 14, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2006)	Proposed Permit
Permitted Traffic Volume	1,268 vehicle trips per day	Removed
Enforcement Agency Name and Address	County of San Diego Department of Environmental Health Solid Waste Local Enforcement Agency 9325 Hazard Way San Diego, CA 92123	County of San Diego Department of Environmental Health Solid Waste Local Enforcement Agency 5500 Overland Avenue, Suite 170 San Diego, CA 92123

Other changes include:

1. Updates to the following sections of the SWFP: "Findings" and documents that describe and/or restrict the operation of the facility, and "Local Enforcement Agency Conditions," including rewording and deletions for the purpose of updating and/or clarifying operational requirements.
2. Update the Construction Demolition/Inert Debris Processing Report.

## **Key Issues**

The proposed permit will allow for the following:

1. Removal of the permitted vehicle traffic volume. The LEA will regulate per Title 14, California Code of Regulations (14 CCR), Section 17418.3; and
2. Incorporate the updated Construction Demolition/Inert Debris Processing Report, dated April 2016.

## **Background**

SANCO Resource Recovery is located within the Town of Lemon Grove in an incorporated area of San Diego County. The 3.51-acre facility functions as a Large Volume Construction, Demolition and Inert Debris Processing Facility. The facility was first permitted in 2006.

## **Findings**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated January 6, 2017	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 7, 2016. The LEA provided a copy to the Department on July 11, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on February 13, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	The LEA in their permit submittal package received on January 6, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated January 30, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 7, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on January 6, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Notice was posted by the LEA on December 28, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 7, 2017, and found that the facility is in compliance with applicable state minimum standards.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- January 2017 – January 2012 - No violations were noted.

### **Environmental Analysis**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of San Diego Department of Planning and Land Use, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include updating of the permit and the incorporation of the updated Construction Demolition/Inert Debris Processing Report. There will be no changes to the operating days or hours, permitted area, or daily tonnage.

The existing permit is supported by the following environmental documents. A Mitigated Negative Declaration (MND), SCH. No. 2005061105, was adopted on July 25, 2005, by the City of Lemon Grove Planning Commission acting as Lead Agency. The MND analyzed for a CDI Facility that would operate at a peak tonnage of 1,000 tons per day, 24 hours per day, and seven days per week. Feedstock would consist of rock, soil, asphalt, concrete, wood, metal and cardboard. The environmental document sufficiently describes the continued operation of the facility. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility.

The San Diego County Department of Environmental Health (LEA) has made a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

### **Public Comments**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice on December 28, 2016, in the County of San Diego. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on January 24, 2017. No comments have been received by Department staff.